

Application S/N 10/660,066
Amendment Dated: December 13, 2006
Response to Office Action dated: June 16, 2006

DEC 13 2006

CE11386JI121

REMARKS/ARGUMENTS

Claims 1-18 remain pending in the application. In the Office Action, claims 1-3, 17 and 18 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0264413 to Kaidar, et al. (Kaidar). Concerning the Kaidar reference, Applicants direct the Examiner's attention to the attached Declaration of Prior Invention in the United States under 37 C.F.R. §1.131 to Overcome Cited Patent or Publication. Applicants have submitted an invention disclosure form that describes the claimed subject matter, and the inventors have averred that this invention was conceived at least by June 25, 2003, which is before the priority date of Kaidar. Applicants respectfully submit that the rejection of claims 1-3, 17 and 18 under 35 U.S.C. 102(e) in view of Kaidar is moot in view of the submitted declaration. As such, Applicants submit that claims 1-3, 17 and 18 are patentable over the prior art.

Also in the Office Action, claims 4-16 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,980,535 to Bennett (Bennett). In response, Applicants have amended independent claim 4 to clarify that the probe request generator monitors a channel for probe requests being transmitted by a station to a first access point and in response to the probe requests being transmitted from the station to the first access point, the probe request generator transmits a series of probe requests that signal the first access point to transmit probe responses that are detectable by the station. Independent claim 13 has been amended in a similar fashion. Support for the amendments can be found in FIGs. 1 and 4 and paragraph 0022 on pages 7 and 8. No new matter has been added in view of the amendments.

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In contrast, in Bennett, a first access point communicates with a communication unit and at some point, it is determined that a handover is necessary, at which time the first access point will signal a second access point with probe requests (see col. 9, lines 37-47). In response, the second access point will begin to transmit probe responses, which are received by the communication unit (see col. 9, lines 47-51). In the claimed subject matter, the station initially sends probe requests to a first access point. The probe request generator monitors this transmission, eventually takes this function over and transmits the probe requests to the first access point, which then can transmit the probe responses to the station. The first access point in Bennett, which the Examiner appears to have attempted to equate with the probe request generator in the present invention, does not monitor probe requests from the station to the second access point. Moreover, the first access point in Bennett takes no action with respect to any probe requests being transmitted from the station to the second access point.

Independent claim 10 has been amended to clarify that the probe request generator monitors a channel for probe responses being transmitted by a first access point to a station and in response to the probe responses being transmitted by the first access point to the station, transmits a plurality of probe requests that signal the first access point to transmit probe responses which are detectable by the station. Similar to the arguments presented above, Bennett simply does not describe its first access point as monitoring responses from another access point to a station to determine when to send probe responses itself to the station.

In view of the above, Applicants contend that independent claims 1, 4, 10, 13 and 17 are patentable over the prior art. Applicants also submit that the claims that depend

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from these independent claims are patentable, both based on their dependencies and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

SEND CORRESPONDENCE TO:

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Respectfully submitted,

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